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AUTHOR Tate, Carol; And Others
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ABSTRACT

A questionnaire was administered to 70 children in two age groups who averaged either 5 years, 8 months, or 10 years, 7 months of age, for the purpose of documenting their understanding of legal process and courtroom procedure. Questions probed factual knowledge and social cognition and perception. Subjects were also asked about four moral dilemmas in order to ascertain whether they understood (1) what happens in court, (2) the difference between truth and lying, (3) why and how people are punished, and (4) the difference between accidental and intentional wrongdoing. Significant differences were found in the frequency of correct responses. Older children possessed significantly greater knowledge of courtroom procedure. All children appeared to base much of their courtroom knowledge on television. Younger children did not know how to tell whether a person was lying, whereas older children frequently mentioned facial expressions as possible indicators. Younger children seemed to believe that persons who tell the truth will be believed despite circumstantial evidence against them; that people don't lie to authorities; and that truth can be determined by asking individuals whether or not they are lying. Older children thought it would be impossible to prove innocence if counterevidence existed. Overall, children thought they were as believable or more believable than adults. (RH)

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Children's Moral Development and Knowledge of the Legal Process

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Carol Tate, Ivy Hinton, Carolyn Boyd, Ernest Tubbs, and Amye Warren-Leubecker

Department of Psychology

University of Tennessee at Chattanooga

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The recent national focus on child abuse has led to a new interest in the role of the child as legal witness, particularly in cases of sexual abuse where corroborating evidence is typically unavailable and child testimony is of paramount importance. Much of the new research concerns children's memory abilities or possible limitations. In spite of the fact that most children seem equally as credible as adult witnesses (whose reliability is also quite questionable, see for example, Goodman, 1984; Loftus, 1983), adults and juries of adults generally perceive child witnesses to be less credible. Thus, one important question that arises is whether children perceive themselves to be more or less believable than adults. In addition, Goodman (1984) and Melton (1984) argue that since the child's testimony occurs in context (courtroom), children's understanding of that context probably influences their reports. As yet, we know very little about how well children of various ages understand either the nature of a trial or the implications of their testimony. In spite of attempts to prepare children for court appearances by social workers or psychologists, there is little systematic effort made to determine whether children of certain ages have particular misconceptions about the judicial process that might affect their response to it. Thus, we need to know much more about what children understand of the legal process before they enter it as witnesses or victims.

Method

The present study attempted to document children's understanding of several aspects of the legal process and courtroom procedure. A standard questionnaire was individually, orally administered to 70 children. The younger group of 35 averaged 5 years and 8 months of age, and the older group of 35 were 10 years and 7 months old on average. Participating children were contacted through students in an upper level child development course. Questionnaire items included factual/knowledge questions such as "What is a

jury? as well as more social cognition/perception oriented questions such as "How can you tell if someone is lying?". Following the questionnaire, four short "moral dilemma" stories were read to the child, and he or she was questioned about the story. These stories included two concerned with relatively common "crimes" (disobeying and then lying to mother and breaking someone else's toy) and two concerned with more serious crimes (shoplifting and possible arson). The stories and questionnaires were designed to ascertain if the child understood what happens in court, the difference between truth and lying, why and how people are punished, and the difference between accidental and intentional wrongdoing (see appendix).

Results and Interpretation

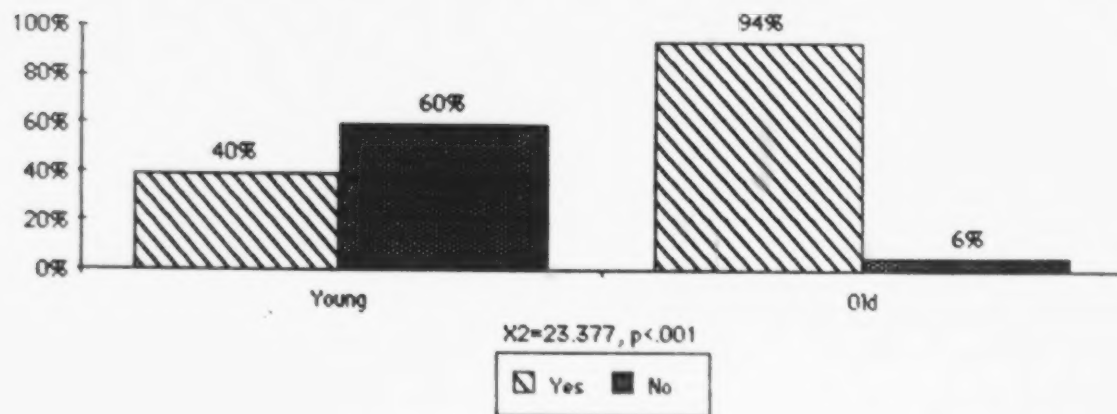
The responses to knowledge questions (e.g., What is a judge?) were coded for accuracy (see appendix). Chi - square analyses revealed significant age differences in the frequency of responding correctly (see appended tables). As expected, older children possessed significantly greater knowledge of courtroom procedure. For example, younger children seldom knew of the existence or role of juries and lawyers. All children appeared to base much of their courtroom knowledge on television (several mentioned Judge Wapner and People's Court). Younger children did not know how to tell if someone is lying, whereas older children frequently mentioned facial expressions as possible indicators. Younger children seemed to believe that anyone who tells the truth will be believed despite the circumstantial evidence against them. However, their belief was naive in that they thought people simply don't lie to those in authority (teachers or judges), but even if they did, simply asking that person or someone else if they are lying will be sufficient to determine the truth. Older children were only slightly more realistic (or pessimistic), in that some thought it would be impossible to prove you innocence if there was evidence against you. Overall, children felt they were

equally as or more believable than adults. One child suggested that "Adults are better at lying". This was fascinating to us in that adults typically find children to be less credible than other adults.

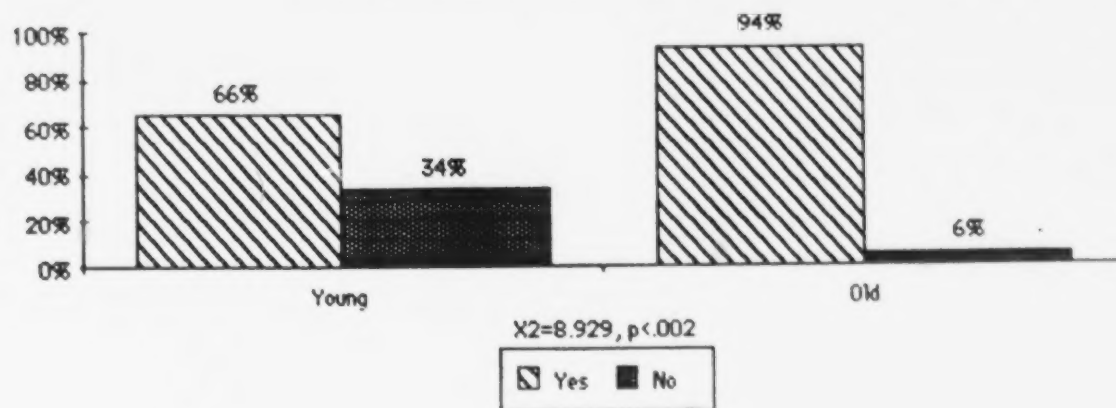
Although our study did not directly assess levels of moral reasoning, the responses to the moral dilemma stories suggest that moral reasoning may affect children's testimony or reactions to court appearances. Although all the children indicated a basic knowledge of the difference between truth and lying, they did not differentiate between the two conditions when asked which punishment each deserved. This lends partial support to Piaget's distinction between objective and subjective reality (judging actions based on consequences versus intentions).

In summary, we have at this point very little knowledge of how children perceive and develop knowledge of the legal process and themselves as possible participants in it. The influence of television and children's own lower moral reasoning abilities and levels of judicial knowledge may result in inadequate or erroneous testimony or other problems. Due to the increasing number of child sexual abuse reports and the resulting increased probability that children will be called upon as witnesses, understanding how children view the legal process is vital.

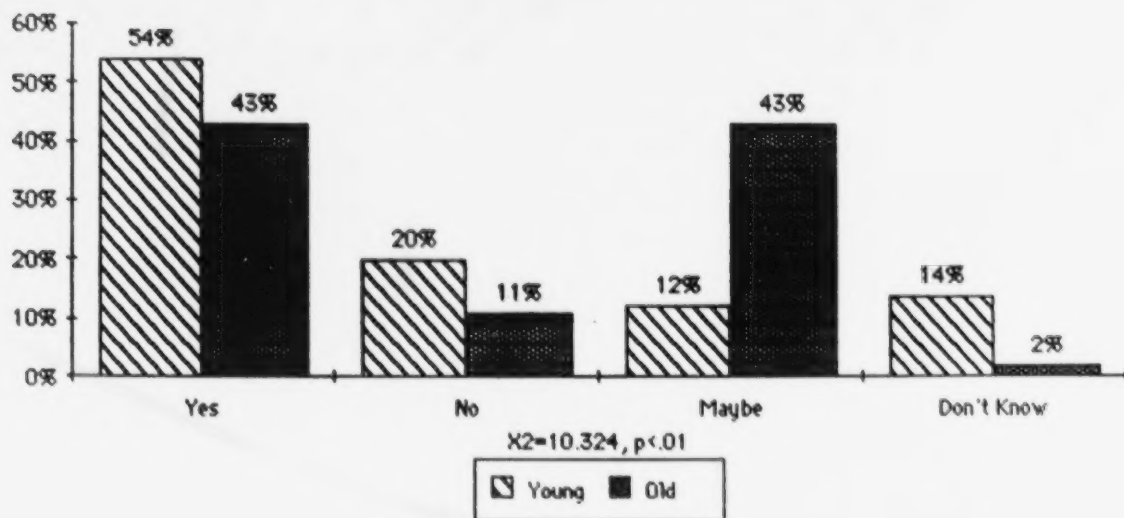
Do you know what a courtroom is?



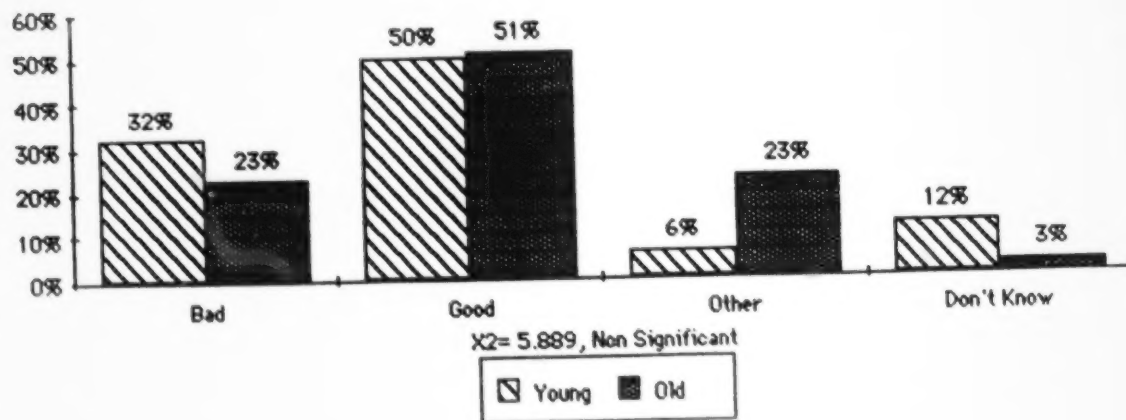
Have you ever seen a courtroom on TV?



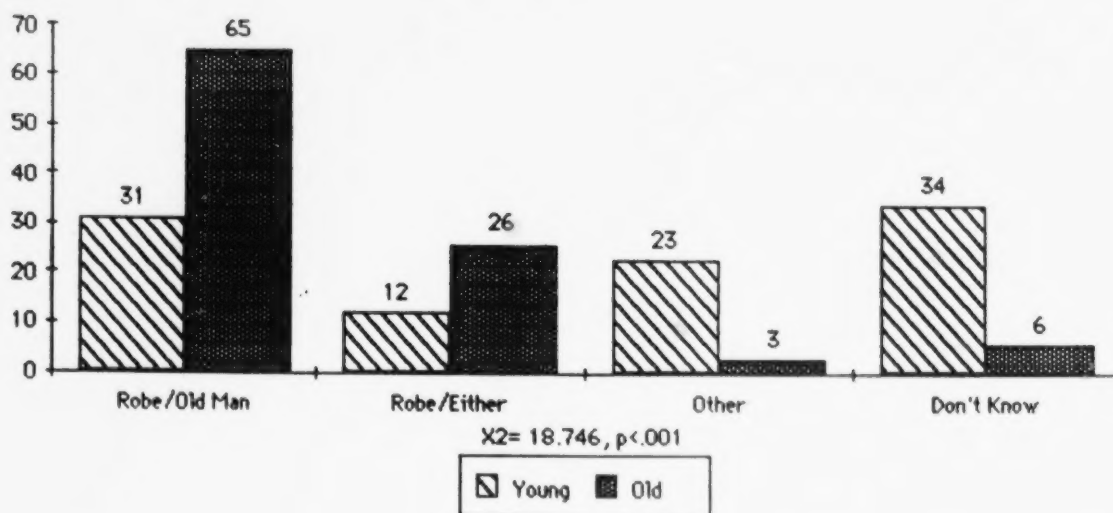
Do people get punished in court?



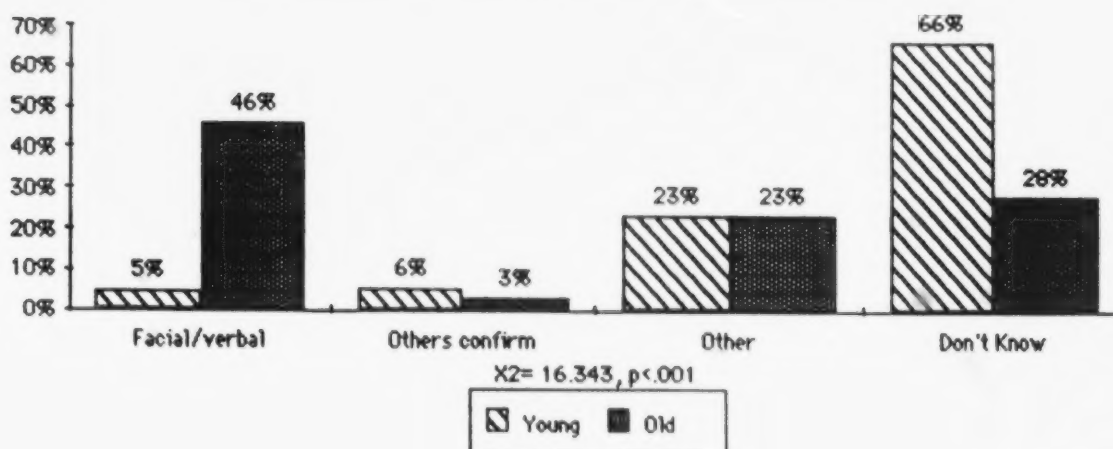
Is court a good place or a bad place?



What does the judge look like and wear?



How can you/judge/jury tell if someone is lying?

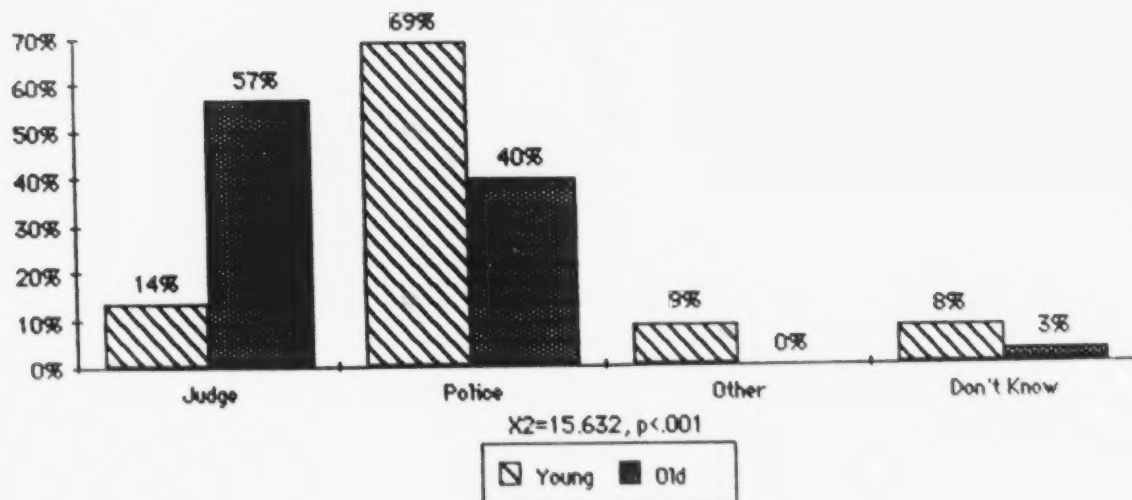


Examples of "other" responses:

Younger children: lie detector, tell police, crying

Older children: lie detector, guess, inconsistencies, lawyer objects,
judge has facts

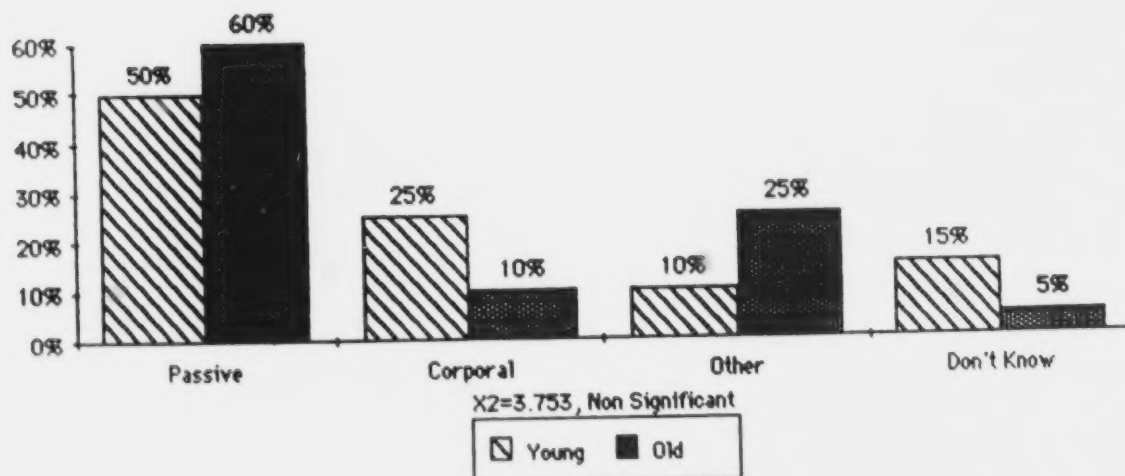
Who sends people to jail?



Examples of "other" responses:

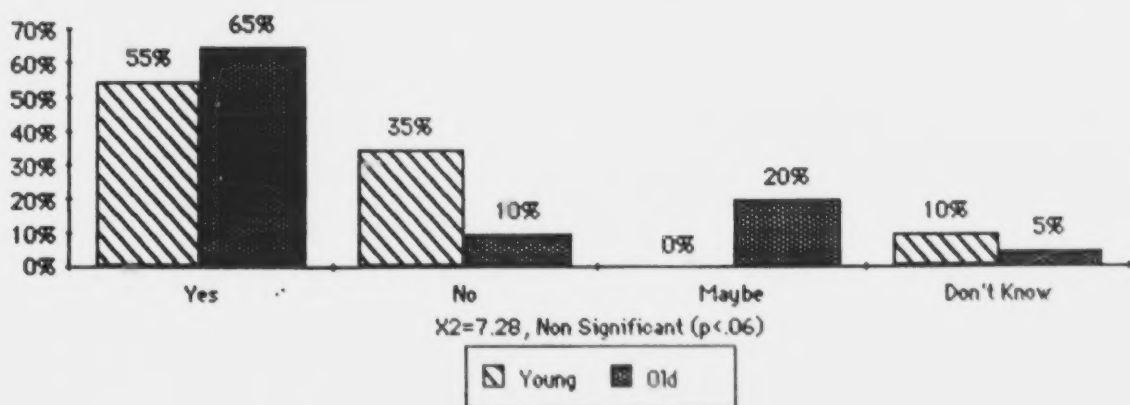
Younger children: court, jailpeople, God, girlfriends, kids, moms

Story 1
How should each boy be punished?



"Other" means the boy who didn't lie should get punished less

Story 3
Will the judge or jury believe him?



Story 3
Would judge/jury believe an adult?

